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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,994	09/16/2003	Chun Te Wen		6665
7590	07/19/2004		EXAMINER	
Chun Te Wen No.1, Alley 16, Lane 40, Jinn Te Road Taichung, TAIWAN				KRAMER, DEVON C
		ART UNIT		PAPER NUMBER
				3683

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,994	WEN, CHUN TE
Examiner	Art Unit	<i>MW</i>
	Devon C Kramer	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 10 is/are rejected.  
 7) Claim(s) 8 and 9 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### *Drawings*

1) The drawings are objected to under 37 CFR 1.83(a) because they fail to show an oblong slide slot 220 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3) Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lumpkin (US 2003/0121739).

In re claim 1, Lumpkin provides a hydraulic brake lever for a bicycle, comprising a main body (12), a pull handle (16), and an adjusting mechanism (20), wherein: the main body has an inside formed with a hydraulic oil tank (28), the main body has a bottom provided with a cylinder (50) connected to the hydraulic oil tank, the main body includes a press rod (54) slidably mounted in the cylinder, the pull handle has a front end pivotally mounted on the main body; and the adjusting mechanism is mounted on the front end of the pull handle and includes an adjusting wheel (20) rotatably mounted on the pull handle, a threaded rod (76) screwed in the adjusting wheel, and an adjusting rod (66) secured between a distal end of the threaded rod and a distal end of the press rod of the main body (figure 4). Please note that the threaded rod is threaded rod is secured to another member in the adjusting wheel; applicant does not claim that the adjusting wheel has internal threads to engage the threaded rod.

In re claim 2, Lumpkin provides the main body with an irregular shape. (Figure 1)

In re claim 3, see element 18 of Lumpkin.

In re claim 5, see element 204 of Lumpkin. Please note that when applicant is citing the hydraulic brake lever he is referring to the assembly and not the pull handle.

In re claim 6, Lumpkin provides a protruding pivot base (figure 6) and the front end of the pull handle is pivotally mounted on the pivot base of the main body by a pivot shaft (120, 122).

In re claim 7, Lumpkin provides a hydraulic brake lever for a bicycle wherein the front end of the pull handle is provided with a cylindrical receiving seat (102) having an inside formed with a receiving chamber and having a peripheral wall formed with a receiving groove (104) communicating with the receiving chamber, the adjusting wheel is rotatably mounted in the receiving groove of the receiving seat of the pull handle, and the threaded rod is movably mounted in the receiving chamber of the receiving seat of the pull handle.

***Claim Rejections - 35 USC § 103***

4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumpkin (US 2003/0121739) in view of Lammers (6658844).

Lumpkin teaches sealing the reservoir using a cover and a diaphragm (38), but lacks the teaching of sealing the reservoir using a sealing washer.

Lammers teaches the use of a sealing washer (col. 3 lines 48-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the reservoir of Lumpkin with a sealing washer as taught by Lammers in order to prevent loss of fluid between the mating surfaces rendering the brakes inoperable.

6) Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumpkin (US 2003/0121739).

Lumpkin provides the distal end of the press rod with a positioning hole for securing the adjusting rod (66, figure 4), but lacks the teaching of the threaded rod having a positioning hole for securing a first end of the adjusting rod. Lumpkin teaches the positioning holes on the other parts which mate with the threaded rod.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the positioning holes of Lumpkin on the threaded rod since it

has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

***Allowable Subject Matter***

7) Claims 8-9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Terry, Hundley, Buckley et al, Kline, Barnett, Hinkens et al, and Sule all provide adjustment assemblies for hydraulic bicycle brakes.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

*Devon R*  
*7/14/04*